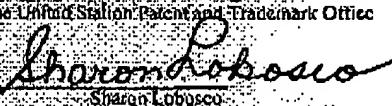


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U.S. Patent and Trademark Office****GAU: 2633
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FAX: (703) 872-9306****FROM: Gregory J. Murgia****PHONE: (732) 949-3578
FAX: (732) 949-0102****DATE: June 3, 2005****Pages (incl. Cover): 3****Re: Comments On Statement Of Reasons For Allowance****Case No.: D. M. Marom 3****Ser. No.: 09/944802****File Date: August 31, 2001****Title: Tunable, Multi-Port Optical Add-Drop Multiplexer****Certification of Facsimile Transmission**

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June 3, 2005


Sharon Loposco

Sharon Loposco

Serial No. 09/944,802

IN THE UNITED STATES
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PATENT APPLICATION

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CASE 3

Serial No. 09/944802 Group Art Unit 2633

Filed August 31, 2001

Examiner H. Phan

Title Tunable, Multi-Port Optical Add-Drop Multiplexer

**COMMISSIONER FOR PATENTS
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SIR:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Notice of Allowability mailed on May 17, 2005 contains an Examiner's Statement of Reasons for Allowance.

The Statement indicates that claims 1-9 are allowable because the instant application is directed to a non-obvious improvement over the prior art (Milton et al.), but the Statement then appears to refer to specific recitations from independent claim 1 in characterizing the improvement. The Statement then indicates that "[t]his patentable distinction is included in independent claims 1, 8 and 9."

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While some of the recitations from claim 1 may be similar to those contained in independent claims 8 and 9, the Applicant objects to the Statement to the extent that the Statement differs from the language of any of the independent claims, e.g., claims 8 and 9. In particular, the Applicant rejects any narrowing or limitations that might possibly result from such differences.

Respectfully submitted,


Gregory J. Murgia
Reg. No. 41,209
Attorney for Applicant

Date: 6/3/05
Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

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